

Minutes of June 5, 2015 Emergency Non-Public Session

Present

Rick Griffin, Chairman
Rusty Bridle, Vice Chairman
Philip Bean, Selectman
Mary-Louise Woolsey, Selectman
Town Manager Fred Welch
Town Attorney Mark Gearreald
Public Works Director Chris Jacobs

The meeting convened at 3:10 PM in the Town Manager's conference room.

Selectman Woolsey MOVED to enter into a nonpublic session under RSA 91-A:3,II, c and e
SECONDED by Selectman Bridle.

VOTE BY ROLL CALL: 4-0-0

1. Suit by Waste Management and Commonwealth Transportation over awarding of bids for solid waste disposal and waste hauling, just filed with the Court on Tuesday, June 2, 2015. This meeting was called on an emergency basis under RSA 91-A:2, II to deal with a proposal to resolve the litigation in lieu of preparing for and attending a preliminary injunction hearing that was scheduled to be heard on Tuesday, June 9, 2015 at 10:00 AM, where the Board is not scheduled to meet again until Monday, June 15. Attorney Gearreald outlined the proposal, whereby the Town would rebid the contracts at issue, and the plaintiffs would withdraw the litigation with prejudice with no attorney's fees or costs. The Board was apprised of the nature of the Plaintiffs' complaints about the bidding process and the possible outcomes before the Court.

Selectman Woolsey made the following Motion, which was seconded by Selectman Bridle, which passed unanimously on a 4-0 vote:

I hereby move to vacate the awards of contracts for Solid Waste and Recycling Disposal and Trash and Recycling Hauling Services that were made on March 23, 2015 and June 1, 2015 and move to direct the Town Manager and Public Works Department to re-bid these contracts as four separate bid invitations for (a) solid waste disposal, (b) recycling, (c) bulky waste, and (d) waste hauling, with each one indicating that the invitation is being made in accordance with the Town's Purchasing Policy and Procedure in Chapter 718 of the Hampton Code.

Public Works Director Jacobs departed at this point.

2. [This portion of the minutes was sealed].

The non-public session was adjourned at around 3:35 PM, the minutes of the portion of the non-public session under item 2 above having been duly sealed under RSA 91-A:3, III, and the public session was not resumed.

Respectfully submitted,

Rick Griffin, Chairman
For the Board